

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RICHARD J. RUNYON,

Petitioner,

v.

CIVIL ACTION NO. 2:04-cv-00759
(Criminal No. 2:01-cr-00094)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER


Pending before the court is the petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Stanley has submitted findings of fact and recommended that the court deny the petitioner's § 2255 motion.

The court has received and reviewed the petitioner's objections to Magistrate Judge Stanley's proposed findings and recommendations. The court **FINDS** that the petitioner's objections are without merit.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's § 2255 motion.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: December 28, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE